

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOEL B. MONTGOMERY, et al.,

Plaintiffs,

:

Case No. 3:07-cv-470

-vs-

Magistrate Judge Michael R. Merz

:

MARY L. SANDERS, et al.,

Defendants.

AMENDMENTS TO SCHEDULING ORDER

This case is before the Court *sua sponte* upon its referral pursuant to 28 U.S.C. § 636(c). Given that referral, the reasons which led the Court to deny previous motions to re-set the discovery cut-off are now moot.

Accordingly, the Court withdraws its prior order denying the Plaintiff's Unopposed Motion for Extension of Time (Doc. No. 64 and notation order) and re-sets deadlines in the case as follows:

- | | | |
|----|------------------------------|---------------|
| 1. | Discovery cut-off | March 1, 2010 |
| 2. | Dispositive motions deadline | April 1, 2010 |

These deadlines are subject to several contingencies:

1. Plaintiff had earlier sought an extension of discovery to June 1, 2010. If that amount of additional time still appears necessary, Plaintiff should consult with Defendant to attempt to obtain agreement or move the Court without such agreement and a showing of good cause.
2. If these deadlines are adhered to, the summary judgment motions should be ripe for decision approximately May 15, 2010. If there is to be summary judgment practice, the Court has a commitment to the bar to attempt to decide all summary judgment motions not later than

sixty days before trial. To keep that commitment, trial should be re-set not earlier than August 15, 2010.

3. If counsel do not expect that there will be any summary judgment practice, the current trial date of June 14, 2010, can be maintained.

October 6, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge